

U.S.S.N. 09/101,413

Filed: August 7, 1998

RESPONSE TO RESTRICTION REQUIREMENT

method of making a clonal population of CTL; Group IV, claim 45, drawn to a library of CTL clones; Group V, claim 46, drawn to a therapeutic system comprising a means to determine HLA class and a library of CTL clones; Group VI, claims 47 and 48, drawn to a method of making a CTL by introducing a genetic construct encoding a TCR of a CTL into a CTL or CTL precursor and CTL made by the method; and Group VII, claim 49, drawn to a method of treating a patient by administering the CTL of Group VI.

In response, applicant elects Group II, claims 1-18, with traverse.

Under PCT Rule 13.1, claims relate to a single general inventive concept if they have the same or corresponding special technical feature (see PCT Rule 13.2). Contrary to the recitation in section 3 of the Office Action mailed August 26, 1999, all of the claims possess a corresponding special technical feature. The special technical feature of all of the claims is an *allorestricted* CTL (see specification of source and reactivity of the claimed CTL in claims 1, 20, 45--all of the remaining claims depend from these claims).

The Office Action states (page 3) that the technical feature linking the claims is not a special technical feature within the meaning of PCT Rule 13.2 because the technical feature (CTL lymphocyte) does not define a contribution over the art. This is not the case. The present claims require an allorestricted CTL lymphocyte. Such an allorestricted CTL lymphocyte is not disclosed by U.S. Patent No. 5,731,160 to Melief et al. Since the technical feature common to all of the claims does define a contribution over the art, it constitutes a special technical feature according to PCT Rule 13.2. Thus, the claims all relate to a single inventive concept (PCT Rule

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13.1). Accordingly, restriction of the present claims is improper. Applicant respectfully request withdrawal of the restriction requirement and examination of all of the claims.

2. The Office Action also required election of a species in claims 1-46 and 49 (Groups I-V and VII). Applicant notes that it is not clear what parts of the claims are considered species and so it is not clear what is to be elected. However, in an effort to comply, applicant elects for examination haematological malignancies with antigen WT1 and GATA 1, with traverse.

Favorable consideration of claims 1-18 and 20-49 is earnestly solicited.

Respectfully submitted,



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I hereby certify that this paper, along with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service on the date shown below with sufficient postage as first-class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Chandra Russell
Chandra Russell

Date: October 26, 1999